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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,527	09/14/2001	Karl Reuter	033265-003	4392
21839	7590 07/15/2003			
BURNS DOANE SWECKER & MATHIS L L P			EXAMINER	
	OST OFFICE BOX 1404 LEXANDRIA, VA 22313-1404		KUHAR, ANTHONY J	
			ART UNIT	PAPER NUMBER
			1754	(
			DATE MAILED: 07/15/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
Advisory Action	09/936,527	REUTER, KARL				
·	Examin r	Art Unit				
	Anthony J Kuhar	1754				
Th MAILING DATE of this communication appe	ars on the cover sheet with the c	orrespondence address				
THE REPLY FILED 7/3/03 FAILS TO PLACE THIS APF Therefore, further action by the applicant is required to a linal rejection under 37 CFR 1.113 may only be either: (1 condition for allowance; (2) a timely filed Notice of Appears amination (RCE) in compliance with 37 CFR 1.114.	void abandonment of this applic) a timely filed amendment whi	cation. A proper reply to a ch places the application	in			
PERIOD FOR RE	PLY [check either a) or b)]					
 a) The period for reply expires 4 months from the mailing date of b) The period for reply expires on: (1) the mailing date of this Adv event, however, will the statutory period for reply expire later the ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS 706.07(f). 	isory Action, or (2) the date set forth in th an SIX MONTHS from the mailing date or	f the final rejection.				
Extensions of time may be obtained under 37 CFR 1.136(a). The datase been filed is the date for purposes of determining the period of extension CFR 1.17(a) is calculated from: (1) the expiration date of the shortened b) above, if checked. Any reply received by the Office later than three mosarned patent term adjustment. See 37 CFR 1.704(b).	sion and the corresponding amount of the statutory period for reply originally set in	fee. The appropriate extension f the final Office action; or (2) as s	fee under set forth in			
 A Notice of Appeal was filed on Appellant's 37 CFR 1.192(a), or any extension thereof (37 CFI 						
The proposed amendment(s) will not be entered be	ecause:					
(a) they raise new issues that would require further	er consideration and/or search (see NOTE below);				
(b) ☐ they raise the issue of new matter (see Note below);						
(c) they are not deemed to place the application i issues for appeal; and/or	n better form for appeal by mat	erially reducing or simplif	ying the			
(d) they present additional claims without cancel NOTE:	ing a corresponding number of	finally rejected claims.				
Applicant's reply has overcome the following rejection.	tion(s):					
 4. Newly proposed or amended claim(s) would canceling the non-allowable claim(s). 		separate, timely filed ame	ndment			
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request fo application in condition for allowance because: Section 1.		sidered but does NOT pla	ce the			
 The affidavit or exhibit will NOT be considered berraised by the Examiner in the final rejection. 		to issues which were new	wly			
 7. For purposes of Appeal, the proposed amendment explanation of how the new or amended claims we 			n			
The status of the claim(s) is (or will be) as follows:						
Claim(s) allowed:						
Claim(s) objected to:						
Claim(s) rejected:						
Claim(s) withdrawn from consideration:						
8. The proposed drawing correction filed on is	a) approved or b) disap	proved by the Examiner.				
9. Note the attached Information Disclosure Stateme	nt(s)(PTO-1449) Paper No(s).					
0.⊠ Other: The final rejection of record is hereby maintained.						
		STÉVEN BOS PRIMARY EXAMINER GROUP 1100	R			

Continuation Sh t (PTO-303) 09/936,527

Continuation of 5, does NOT place the application in condition for allowance because: Applicant's arguments filed 7/3/03 have been fully considered but they are not persuasive. Applicant argues that in Reuter '259, the emulsion is already supersaturated with the desire substance and the impurity at a constant level prior to crystallization. It then follows that only the substance which is crystallized out in the first step, e.g. the desired substance, is reloaded in column 3. Applicant claims reloading with additional impurities each cycle (thereby creating an unsteady state process), which applicants state the prior art does not teach. While the Reuter '259 reference may not teach such an unsteady state process where the net amount of impurities increases in the emulsion each cycle, the WO '644 does appear to suggest such a net increase in the amount of impurities. Page 16, lines 10-13 teach "To supersaturate the microemulsion with the desired substance or with the aggregate mixture, the microemulsion and the feed aggregate mixture in the container or column 3 may be heated, e.g. at a temperature greater than in the crystallizer or may be treated with ultrasound." Therefore, the fact that applicant has recognized that the emulsion is supersaturated with the desired substance and the impurities immediately before crystallization because of cooling has no bearing on the fact that after crystallization, the emulsion is reheated, and the prior art appears to teach that the emulsion then has the capability to take up additional aggregate mixture or desired substance. Therefore, the WO '644 reference appears to teach both the steady state and unsteady state operation of the invention. Regarding page 5 of applicant's response, examiner notes applicant's definitions of dissolution and saturation. However, since the WO '644 reference does appear to teach th (macroscopic, net) dissolution of impurities and the desired substance (aggregate mixture) into the emulsion during reloading, applicant claims still do not distinguish over the prior art..